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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOHAMED MUHINA,

Defendant.

Case No. 2:21-mj-00553-BNW

**Stipulation to Continue the Preliminary
Hearing (First Request)**

It is hereby stipulated and agreed, by and between Christopher Chiou, Acting United States Attorney, through Supriya Prasad, Assistant United States Attorney, and Rebecca Levy, Assistant Federal Public Defender, counsel for Defendant Mohamed Muhina, that the preliminary hearing in the above-captioned matter, currently scheduled for July 20, 2021, be vacated and continued until a time convenient to the Court, but no earlier than 60 days from the current setting.

1. The additional time requested herein is sought to permit defendant time to review discovery and conduct investigation in this case in order to determine whether there are any issues that must be litigated prior to the case proceeding to preliminary hearing or otherwise.

2. The defendant is incarcerated and does not object to the continuance.

1 3. The parties agree to the continuance.

2 4. The additional time requested herein is not sought for purposes of delay, but
3 merely to allow counsel for the defendant sufficient time within which to be able to effective
4 and complete investigation of the discovery materials that will be provided by the
5 government.

6 5. Denial of this request for continuance would waste limited judicial resources.
7 Additionally, denial of this request for continuance could result in a miscarriage of justice.
8 The additional time requested by this stipulation is excludable in computing the time within
9 which the preliminary hearing herein must commence pursuant to the Federal Rules of
10 Criminal Procedure 5.1(d), and the Speedy Trial Act, § 3161(h)(7)(A), considering the
11 factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and (iv)

12 6. This is the first stipulation to continue the preliminary hearing filed herein.

13
14 DATED this 14th day of July, 2021.

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16 CHRISTOPHER CHIOU
17 Acting United States Attorney

18 s/ Supriya Prasad
19 Supriya Prasad
Assistant United States Attorney

s/ Rebecca Levy
Rebecca Levy
Assistant Federal Public Defender
Counsel for Defendant Mohamed Muhina

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 MOHAMED MUHINA,

7 Defendant.

Case No. 2:21-mj-00553-BNW

Order

8 **FINDINGS OF FACT**

9 Based on the pending Stipulation between the defense and the government, and good
10 cause appearing therefore, the Court hereby finds that:

11 1. The additional time requested herein is sought to permit defendant time to
12 review discovery and conduct investigation in this case in order to determine whether there
13 are any issues that must be litigated prior to the case proceeding to preliminary hearing or
14 otherwise.

15 2. The defendant is incarcerated and does not object to the continuance.

16 3. The parties agree to the continuance.

17 4. The additional time requested herein is not sought for purposes of delay, but
18 merely to allow counsel for the defendant sufficient time within which to be able to effective
19 and complete investigation of the discovery materials provided by the government.

20 5. Denial of this request for continuance would waste limited judicial resources.
21 Additionally, denial of this request for continuance could result in a miscarriage of justice.
22 The additional time requested by this stipulation is excludable in computing the time within
23 which the preliminary hearing herein must commence pursuant to the Federal Rules of
24

1 Criminal Procedure 5.1(d), and the Speedy Trial Act, § 3161(h)(7)(A), considering the
2 factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and (iv).

3 6. This is the First Stipulation to continue the preliminary hearing filed herein.

4 **CONCLUSIONS OF LAW**

5 The ends of justice served by granting said continuance outweigh the best interest of
6 the public and the defendant in a speedy trial, since the failure to grant said continuance
7 would be likely to result in a miscarriage of justice.

8 The continuance sought herein is excusable under the Federal Rules of Criminal
9 Procedure 5.1(d), and the Speedy Trial Act, title 18, United States Code, Section § 3161
10 (h)(7)(A), when the considering the factors under Title 18, United States Code, §
11 3161(h)(7)(B)(i), (iv).

12 **ORDER**

13 **IT IS THEREFORE ORDERED** that the preliminary hearing is continued to
14 September 21, 2021, at 2:00 PM.

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16 DATED this 15th day of July 2021.

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UNITED STATES MAGISTRATE JUDGE
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